

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**MARK VAN VLEET,
#S08914,**

Plaintiff,

v.

ANTHONY WILLS, *et al.*,

Defendants.

Case No. 22-cv-00008-SPM

MEMORANDUM AND ORDER

MCGLYNN, District Judge:

This matter is before the Court on a joint motion to dismiss for failure to prosecute filed by Defendants Moldenhauer and Wills pursuant to Federal Rule of Civil Procedure 41(b). (Doc. 22). For the following reasons, the motion is **GRANTED**.

After the Court dismissed the initial Complaint for failure to state a claim, Plaintiff filed a timely First Amended Complaint. (Doc. 11, 12). Plaintiff is proceeding on a single Eighth Amendment claim against Warden Wills and Nurse Practitioner Moldenhauer for failure to provide adequate treatment for gastrointestinal bleeding. (Doc. 13). Defendants were served and filed the current motion to dismiss that is before the Court. Defendants state that mail sent to Plaintiff at Menard Correctional Center, his address of record, has been returned to them with the note that Plaintiff no longer resides at Menard Correctional Center and has been paroled. (Doc. 22-1, p. 1). At the time they filed the motion, they state that a search of the public website for the Illinois Department of Corrections also records that Plaintiff was released on parole. Defendants point out that early on in this case, the Court ordered Plaintiff to keep the Clerk of Court and each opposing party informed of any change in his address. (*See* Doc. 4). Plaintiff was warned that

failure to do so may result in dismissal of this action. As Plaintiff has failed to update his address, Defendants ask the Court to dismiss this case for want of prosecution.

After the motion to dismiss was filed, the Court then entered a Notice of Impending Dismissal informing Plaintiff that he had until July 31, 2023, to update his address and indicate his intentions to pursue his claims. (Doc. 25). Plaintiff was advised that failure to do so would result in dismissal of his claims. Plaintiff did not respond.

At this time, Plaintiff has not updated his address, responded to the Notice of Impending Dismissal, or the motion to dismiss. He has not expressed any intentions to continue pursuing his claims. Therefore, the Court finds that Plaintiff has failed to comply with its orders and to prosecute this matter. Consequently, the motion to dismiss is **GRANTED**. (Doc. 22). This matter is **DISMISSED with prejudice** pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *See James v. McDonald's Corp.*, 417 F.3d 672, 681 (7th Cir. 2005).

The Clerk of Court is **DIRECTED** to close this case and enter judgment accordingly.

IT IS SO ORDERED.

DATED: August 14, 2023

s/Stephen P. McGlynn
STEPHEN P. MCGLYNN
United States District Judge